

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13368, of Ruth A. Wallace, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the prohibition against allowing an addition to a row dwelling which now exceeds the allowable percentage of lot occupancy (Paragraph 7107.21), the lot occupancy requirements (Sub-section 3303.1 and Paragraph 7107.23) and the rear yard requirements (Sub-section 3304.1 and Paragraph 7107.22) to construct a rear addition in an R-2 District at the premises 4820 - 41st Street, N. W., (Square 1736, Lot 42).

HEARING DATE: November 12, 1980

DECISION DATE: November 12, 1980 (Bench Decision)

FINDINGS OF FACT:

1. The subject property is located in an R-2 District on the west side of 41st Street between Davenport and Ellicott Streets, N. W.
2. The subject lot is 17.25 feet wide by 54.5 feet deep. It has 940 square feet of lot area.
3. The subject property is improved with a two story plus basement row dwelling.
4. There is an existing covered wooden porch at the rear of the first floor of the house, which is one story out of grade at the rear. There are steps leading down to the level of the rear yard.
5. The applicant proposes to demolish the porch and steps which are in a deteriorated condition. The applicant further proposes to reconstruct a new enclosed porch which will be nineteen square feet larger than the present porch.
6. The area of the lot is far below the normal minimum requirement of 3000 square feet for a semi-detached dwelling.
7. The existing dwelling occupies 501.0 square feet of the lot, in excess of the 376.0 square feet permitted. The porch occupies 57.6 square feet, for a total lot occupancy of 558.6 square feet. The total variance required is thus 182.6 square feet.

8. The new porch will extend 2.8 feet further to the rear of the lot than the present porch.
9. The present dwelling has a rear yard of 20.3 feet. With the proposed addition, the dwelling will have a rear yard of 17.5 feet. The Regulations require a rear yard to have a minimum depth of twenty feet. A variance of 2.5 feet is thus required.
10. The applicant testified that the addition will serve to expand her kitchen, which is very small, and not large enough to accommodate her refrigerator.
11. Advisory Neighborhood Commission 3-E, by letter dated November 3, 1980, did not oppose the application. The ANC stated its view that the granting of this variance would not result in any violation of the integrity, intent or purpose of the zone plan. The Board agrees.
12. The owners of the abutting property at 4816, 4818 and 4822 41st Street submitted a letter to the file stating that they approved of the application.
13. There was no opposition to the application.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the requested variance is an area variance, the granting of which requires the showing of an exceptional or extraordinary condition of the property which creates a practical difficulty for the owner. The Board concludes that the small size of the lot when combined with the size and configuration of the existing dwelling constitutes such a hardship. The Board further concludes that the strict application of the Regulations would cause a practical difficulty for the owner, in that no addition of any size would be permitted, and a reasonable improvement to the kitchen facilities of the dwelling would be precluded.

The Board concludes that it has accorded to the ANC the "great weight" to which it is entitled. The Board concludes that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and maps. It is therefore ORDERED that the application is GRANTED.

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VOTE: 5-0 (Walter B. Lewis, Douglas J. Patton, Connie Fortune,
William F. McIntosh and Charles R. Norris to grant).

BY ORDER OF THE BOARD OF ZONING ADJUSTMENT

ATTESTED BY: Steven E. Sher

STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 23 JAN 1981

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT".

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.